

From: Jerry Kreps
To: Microsoft ATR
Date: 12/12/01 3:11pm
Subject: Microsoft Settlement

To whom, in the DOJ, it may concern, if anyone in the DOJ is even listening:

I read the following remark in a talk-back forum. I believe that 'Shiva' is correct in his assessment. More than likely it is because powerful politicians, businessmen, pension funds, and other lobbies have justified this 'settlement' on the basis that anything which hurts Microsoft hurts the economy. (More than likely they are just looking out for their own portfolios and retirement funds - the people be damned!) This presupposes, of course, that any damage that might occur if Microsoft were held to the penalties the law allows would be greater than the harm Microsoft has already cost the economy in lost production due to crashes and reboots, inflated prices for their products and 'upgrades', lost assets due to theft because of Microsoft's abysmal security, or jobs that Microsoft has destroyed when they pirated other companies software and "rolled" it into their OS. I doubt that assumption and I am sure that if this 'settlement' is allowed to stand we will witness more blatant criminal behavior than has gone on in the past. In fact, three months before this settlement was announced, last August, Microsoft must have gotten wind of it because it suddenly stopped acting reasonable and began demanding that PC vendors NOT install any other OS on the PCs they sell, nor include the ability to allow the customer to install or dual boot any other OS -- a clear violation of the Sherman-Clayton antitrust act. One of countless Microsoft behaviors that you, the DOJ, seem mindless of.

The 800 lb Gorilla can get away with such actions for two reasons:

1. They have a MUCH larger purse than many of their victims and can outlast them in court in most instances, if the victims can even afford to take Microsoft to court in the first place, and
2. the Department of Justice, the defender of the people against injustice and evil doers, has demonstrated a remarkable incompetence in snatching defeat out of the jaws of victory. What else can be said when the DOJ wins two verdicts and still lets the convicted criminal write a 'settlement' so outrageous as to give the criminal MORE power than they had before being convicted?

I feel as much anger toward the incompetent DOJ lawyers and our legal system as I do for Osama Bin Laden, Al Quidade and the Taliband.

Regrettably, I feel the die has been cast, and the actors are merely looking for ways to float the 'settlement' in the best light possible, or drag it on till no one cares.

Our forfathers are rolling in their graves.

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Shive wrote:

"This takes the cake!

Imagine a mafia boss is convicted for running a protection racket, extorting protection money from customers by criminal threats and putting all competing businesses out of business by leveraging his criminal protection racket. After the conviction the Judge sits with the convicted felon and discusses with the felon what his punishment should be (note this is not plea bargaining - this happens AFTER the conviction). The punishment agreed with the felon then comes out like this:

-"The felon may continue the same criminal activities for which the felon has been convicted (ie: extracting protection money through criminal threats and acts and putting competitors out of business by running and leveraging his criminal protection racket) in relation to companies or persons that don't meet the felon's criteria as a business: '...

(c) meets reasonable, objective standards established by the felon for certifying the authenticity and viability of its business, ...",

This is what you have you have got folks! I cannot believe that even the most ignorant lawyer would come up with something like this as a punishment. I am now absolutely convinced this is the most blatant corruption at the highest levels. Al Capone never had it this good!

Shiva "